

**FAIRFAX COUNTY PLANNING COMMISSION
ENVIRONMENT COMMITTEE
WEDNESDAY, JULY 27, 2011**

COMMITTEE MEMBERS PRESENT:

Frank A. de la Fe, Hunter Mill District
Earl L. Flanagan, Mount Vernon District
James R. Hart, At-Large, Chairman
Kenneth A. Lawrence, Providence District
James T. Migliaccio, Lee District
Timothy J. Sargeant, At-Large

COMMITTEE MEMBERS ABSENT:

Walter L. Alcorn, At-Large
Jay P. Donahue, Dranesville District

ENVIRONMENTAL QUALITY ADVISORY COUNCIL MEMBER PRESENT:

Linda Burchfiel, At-Large

FAIRFAX COUNTY STAFF PRESENT:

Noel H. Kaplan, Senior Environmental Planner, Environment and Development Review Branch (EDRB), Planning Division (PD), Department of Planning and Zoning (DPZ)
Maya P. Dhavale, Planner III, EDRB, PD, DPZ
Scott T. Brown, Planner III, PD, DPZ
Carey F. Needham, Chief, Building Design Branch (BDB), Planning and Design Division (PDD), Department of Public Works and Environmental Services (DPWES)
Teresa G. Lepe, Senior Engineer, BDB, PDD, DPWES
Ellen N. Eggerton, Engineer IV/Green Building Ombudsman, Land Development Services, Building Plan Review Division, DPWES
Mark C. Thomas, Admin Aide, Board of Supervisors Chairman's Office
Barbara J. Lippa, Executive Director, Planning Commission Office
Kara A. DeArrastia, Clerk to the Planning Commission

OTHERS PRESENT:

Tania Hossain, President, Fairfax County Federation of Citizens Associations
Roger Diedrich, Virginia Chapter – Sierra Club
Lisa M. Chiblow, Land Use Planner, McGuireWoods LLP
Inda E. Stagg, Senior Land Use Planner, Walsh, Colucci, Lubeley, Emrich & Walsh, PC
Brian J. Winterhalter, Esquire, Cooley LLP
Bill Cook, Planning Associate, Southeast Fairfax Development Corporation
John Levtov, Associate, Christopher Consultants
David Logan, Senior Project Manager, Bohler Engineering
Ross Shearer, Vienna resident
Flint Webb, Vienna resident

ATTACHMENTS:

A. Letter dated July 27, 2011, from Brian J. Winterhalter

- B. Written statement from Linda Burchfiel
- C. Written statement from Ross Shearer

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Chairman James R. Hart called the meeting to order at 7:03 p.m., in the Board Conference Room, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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Commissioner de la Fe MOVED THAT THE ENVIRONMENT COMMITTEE MINUTES OF JULY 7, 2011, BE APPROVED.

Commissioner Flanagan seconded the motion which carried unanimously.

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Chairman Hart noted that this meeting was the second of multiple opportunities for stakeholders to contribute feedback on the Draft Green Building Comprehensive Plan Policy Review Strawman document, a copy of which is in the date file.

Maya Dhavale, Planner III, Environment and Development Review Branch, Planning Division, Department of Planning and Zoning, presented background information on the current review of the Green Building Policy language, as depicted on page 1 of the strawman document dated July 7, 2011. She next delivered an overview of the approximately 40 comments, questions, concerns, and recommendations received to date. Included were comments addressing ways to strengthen the Policy; definitions of "measurable," "higher levels of green building performance," "County expectations," and other terms and phrases; different types of green building rating systems available for use; greening/retrofitting existing buildings (one of many concepts identified in Policy a); areas of Fairfax County with an expectation for a green building commitment for nonresidential and multi-story residential development (Policy b); residential green building rating systems (Policy c); a green building performance bond concept (Policy d); public-private partnerships (Policy f); performance monitoring (Policy h); and miscellaneous topics. Ms. Dhavale noted that staff would present the comments received to date at the public workshop before the full Commission, scheduled for Wednesday, September 14, 2011, at 8:15 p.m., in the Board Auditorium, which would provide the opportunity for people to further discuss issues regarding the Policy.

Chairman Hart called for speakers from the audience and recited the rules for public testimony, noting that there was no set time limit for speakers. He also encouraged anyone who had specific suggestions regarding the strawman document or changes to the Policy language to submit them via e-mail to plancom@fairfaxcounty.gov.

Brian Winterhalter, Esquire, Cooley LLP, summarized the key points regarding the proposed revisions to the Green Building Policy contained in his letter dated July 27, 2011, as shown in Attachment A. He offered the following suggestions:

- 1) Available U.S. Green Building Council (USGBC) programs under which to receive certification should be expanded to include LEED-Neighborhood Development (LEED-ND), LEED-Existing Buildings (LEED-EB), LEED-Retail, etc.
- 2) Establish desired certification levels rather than introduce a tiered certification system based on density.
- 3) Existing buildings should clearly be exempt from complying with the Green Building Policy.
- 4) Establish later timeframes for the LEED escrow (per Policy D), such as at the occupancy permit stage.

Linda Burchfiel, At-Large member, Environmental Quality Advisory Council, read her statement (submitted as an individual), as shown in Attachment B. She expressed strong support for broadening Policy b to the additional areas; Policy e as showers, lockers, and bicycle parking facilities were vital for bicyclists; and Policy f because the County's highest green building policy should apply to any projects on County land. Ms. Burchfiel presented the following recommendations that were intended to strengthen the Green Building Policy, add comfort, and reduce emissions in buildings:

- Policy a – Add "natural lighting" to the bulleted list.
- Policy a – Clarify how the County would encourage the "reuse, preservation and conservation of existing buildings."
- Policy b – Raise the standard from LEED to LEED Silver (or equivalent) certification.
- Policy c – Limit the categories to "energy efficiency, reusable and recycled building materials, new projects for pedestrian orientation and alternative transportation strategies, and greenhouse gas emissions reduction."
- Policy d – Instead of "encouraging commitments to monetary contributions," require that all buildings or residential development (Policy c) that are approved contingent on a green rating system, to post a bond prior to construction. The bond would be held in trust and returned once the promised level of certification had been approved by a third party. If the building was not approved, the builder could choose to make the necessary changes or forfeit the bond, which would then be applied to renewable energy or energy efficiency projects as determined by the County.
- Policy h – The comparison of aggregated energy and water consumption data collected from a wide variety of individual buildings would offer limited benefit due to the complexity of variables involved, such as the number of hours per day of building usage, types of appliances or equipment in operation, and number of building occupants. In addition, this Policy language should be deferred until national "labeling" standards were released. Instead of "monitoring and evaluating performance of green building strategies and technology," the County should encourage third party recertification every three years to ensure compliance with the specified green building standards.

Flint Webb, Vienna resident, explained that the Green Building Policy failed to address the following questions:

- What was the purpose of this Policy?
- How was an alternative rating system determined to be equivalent to LEED?
- What are the ramifications if an applicant failed to attain certification under the applicable green building rating system?
- What are the ramifications if the aggregated energy and water consumption data fell short of the expected level of performance?

Roger Diedrich, representing the Virginia Chapter of the Sierra Club, made the following suggestions:

- Clearly define "existing buildings" under Policy a, and consider addressing "reuse, preservation and conservation of existing buildings, including historic structures" and "retrofitting of other green building practices within existing structures to be preserved, conserved and reused" in a separate policy or ordinance.
- Remove "Tysons Corner Urban Center" from the beginning of Policy b since energy efficiency and comprehensive green building practices were sufficiently addressed in the Tysons Corner Comprehensive Plan.
- Clearly define the goal of performance monitoring under Policy h.
- Specify that the collection of energy and water consumption data should use a comprehensive, structural approach, such as through the creation and maintenance of a database.

Chairman Hart pointed out to Mr. Diedrich that following the workshop, the next step in the process would be authorization by the Board of Supervisors for advertisement of a Policy Plan Amendment to implement the recommendations in the strawman document based on the input received. He explained that the practice of "retrofitting of other green building practices within existing structures to be preserved, conserved, and reused" would be applicable in situations where the property was subject to a zoning proposal.

In response to a question from Mr. Diedrich, Chairman Hart said developing incentives to offer people who choose to retrofit existing structures with green building elements was worth considering.

Commissioner Flanagan cited the recently approved application, SEA 82-V-012-06 by INOVA Health Care Services, wherein the proposed expansions of the Mount Vernon Hospital campus that utilized the existing infrastructure and systems were not subject to the Green Building Policy; however, the applicant had agreed to pursue LEED certification for the two ambulatory care centers that would operate via separate heating, ventilation, and air conditioning systems. He suggested that the County encourage proposed building additions to incorporate green building features.

Commissioner Lawrence also cited the recently approved applications, PCA B-993 and FDPA B-993-02 by United Dominion Realty L.P. and Circle Towers LLC, wherein the proposed renovation of the Circle Towers Apartment complex would incorporate green building practices, including a vegetated roof, LEED certification, and energy conservation.

Commissioner Sargeant commented that Policy guidance should be fairly general to allow as much flexibility as possible based on information derived from the existing green building rating systems. Addressing Mr. Webb's question regarding the purpose of this Policy, he pointed out that Objective 13, which stated, "Design and construct buildings and associated landscapes to use energy and water resources efficiently and to minimize short- and long-term negative impacts on the environment and building occupants," listed what the County considered to be important goals. Commissioner Sargeant also noted that the Policy used the word "encourage" instead of "incentive" when identifying appropriate applications available for achieving green building goals.

Replying to a question from Commissioner Flanagan, Ms. Dhavale discussed how existing buildings were only eligible for green building rating if the renovations were over 50 percent of the square footage and involved major building systems. She said not all development or redevelopment proposals were appropriate for green building commitments based upon site-specific considerations. She noted that although in the INOVA and Circle Towers cases, the existing buildings to remain on site were not part of the LEED certification commitment, substantial building modifications were subject to this commitment. Commissioner Flanagan recommended that staff further clarify this issue in the Policy.

Addressing Mr. Winterhalter's third suggestion that existing buildings be clearly exempt from complying with the Green Building Policy, Chairman Hart explained that Policy guidance supporting reuse of and for greening/retrofitting existing buildings was open-ended to allow flexibility in determining whether proposed modifications to an existing building as part of a zoning application should incorporate green building practices, based on the unique merits of the particular case. He suggested additional language to clarify the intent of this provision.

Answering a question from Commissioner Lawrence, Chairman Hart said he believed that a green building commitment would most likely not be sought in the special exception application submitted by Cityline Partners to accommodate a college/university use (Reformed Theological Seminary) as an interim use in an existing office building in Tysons Corner because no changes to the approved proffers, no building additions, no increase in intensity, and no site modifications were proposed in that case.

Addressing Mr. Webb's questions regarding the ramifications if an applicant failed to attain green building certification, or if the aggregated energy and water consumption data fell short of the expected level of performance, Chairman Hart stated that the Policy language was intentionally vague to allow flexibility in how green building/energy efficiency measures were implemented on a case-by-case basis and not a "one size fits all" approach. He noted that under certain circumstances, such measures were enforced by development conditions or proffers and if they were not achieved within a defined period of time, then the development would be in violation of those conditions.

In reply to a comment from Commissioner Flanagan, Chairman Hart stated that building owners/operators would be responsible for performance monitoring and energy and water usage data would be collected from electric and water meters. He noted that it would be beneficial if the County could receive data on building performance from building owners/operators where appropriate.

Commissioner Lawrence described two kinds of monitoring:

- 1) Building owners/operators would continuously monitor and maintain a building's performance according to the designated green building rating system standards, followed by verification and periodic recertification of the building's operational performance and execution of green maintenance policies throughout the life of the building.
- 2) County staff would monitor aggregated data on electrical and water consumption in certain areas like Tysons at a general level, and maintain this information in a database to track trends and compare actual usage to projected future usage.

Chairman Hart called for more speakers from the audience.

Ross Shearer, Vienna resident, noted that he had submitted comments to the Committee, as shown in Attachment C. He expressed concern that Policy f was unacceptably weak and forfeited opportunities for ensuring efficiency. He, therefore, recommended that Policy f be revised to require that private companies involved in public-private partnerships, where land was leased or provided by the County, commit to LEED Gold certification at a minimum, with a large bond posted as an enforcement mechanism. Mr. Shearer further recommended that when developers were granted increased density variances in exchange for agreeing to build to a specific standard under LEED or equivalent, the County require them to post bonds to guarantee the promised standard. He noted that if the developer failed to attain certification at the level promised, the bond proceeds should be placed in a fund limited to high technology energy conservation for buildings, such as solar voltaic arrays and energy conservation projects under ENERGY STAR, LEED Gold, or equivalent, including public and non-profit owned historic properties.

Addressing Mr. Shearer's recommendation regarding Policy f, Chairman Hart pointed out that the draft language would encourage private companies that develop land leased or provided by the County as part of a public-private partnership to meet high County standards that required the incorporation of green building practices sufficient to attain certification under a specific LEED rating system into the design, construction, renovation, and operations of the facilities and buildings. He said the intent of Policy f was to demonstrate that the County would hold private developers with projects on County property to the same expectation to meet or exceed County guidelines for green building certification that would be met if the County was to develop the facilities or buildings itself.

Commissioner Flanagan noted that in the INOVA Mount Vernon Hospital case, since land owned by the County was leased to INOVA, implementation of green building practices through certification under established green building rating systems was expected. He said Policy f would enable staff to raise this issue during the application process for development of County land. Ms. Dhavale added that Policy f was also intended to address the discrepancy between the expected green building performance of a building constructed by the County on County land versus a private developer.

There being no more speakers, Chairman Hart called for closing staff remarks.

Ms. Dhavale said staff would compile a summary report organizing all the comments for review by the Committee and stakeholders prior to the workshop. She encouraged people to continue submitting their comments, concerns, and suggestions to plancom@fairfaxcounty.gov. She noted that following the workshop, the Committee would meet with staff to review the comments, decide whether additional changes should be made to the strawman document, and prepare a recommendation to the full Planning Commission regarding the scope of what should be recommended to the Board of Supervisors for advertisement.

Chairman Hart requested that staff prepare a matrix summarizing each of the suggestions along with the correlated existing and proposed language, rationale, and name of the recommender. Ms. Dhavale agreed with this request and noted that the original comments would be appended to this matrix or would otherwise be made available.

Chairman Hart indicated that all of the original comments received would be made available for review in the Planning Commission Office, upon request. He also suggested that people interested in speaking at the workshop, register by 3 p.m. on September 14th by completing the online form at www.fairfaxcounty.gov/planning/speaker.htm or calling the Planning Commission Office at 703-324-2865. He reported that registered speakers addressing the Commission on their own behalf or on behalf of a business would be allotted 5 minutes; registered speakers representing a civic, citizen, or homeowners association would be allotted 10 minutes; and unregistered speakers would be allotted 3 minutes, regardless of whom they represent.

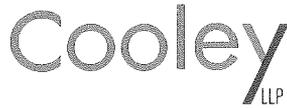
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The meeting was adjourned at 8:19 p.m.
James R. Hart, Chairman

An audio recording of this meeting is not available due to technical difficulties.

Minutes by: Kara A. DeArrastia
Approved: November 17, 2011

Kara A. DeArrastia, Clerk to the
Fairfax County Planning Commission



Speaker #1

Brian J. Winterhalter
(703) 456-8168
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July 27, 2011

Mr. Peter Murphy, Chairman
Fairfax County Planning Commission
12000 Government Center Parkway, Suite 330
Fairfax, Virginia 22035

RE: Revisions to Fairfax County's Green Building Policies

Dear Chairman Murphy:

Thank you for encouraging us to review and provide input on the proposed revisions to the County's Green Building Policies. As everyday practitioners of these policies, we appreciate the opportunity to provide the Planning Commission insight into how the proposed changes will affect development projects in the County. To successfully design a project to qualify for LEED certification begins at the entitlement stage. Therefore, we, in consultation with civil engineers from William H. Gordon Associates and Urban Engineering, have reviewed the draft policies and offer the following suggestions:

- 1. Available USGBC programs under which to receive certification should be expanded to include LEED-Neighborhood Development ("LEED-ND"), LEED-Existing Buildings ("LEED-EB"), LEED-Retail, etc.***

The draft guidelines propose revising Policy A to specifically identify two LEED rating system programs as appropriate, while omitting seven other rating systems, including the LEED-ND program, which has proved to be an appropriate and achievable rating system for mixed-use projects that develop over time. Unlike the two named programs in the County's draft guidelines – LEED-New Construction and LEED-Core and Shell – the LEED-ND program allows a master developer to design the overall project with smart, neighborhood-wide decisions to achieve a more sustainable community. The focus of LEED-ND is on the entire site, rather than individual buildings, which is appropriate for large, long-term development projects. Such projects typically involve the master developer selling portions of the project to be developed years after the initial zoning is approved. It is not feasible to require the master developer to commit individual buildings to be developed under a standard that very likely will change before many of those individual buildings even get underway. The LEED-ND program addresses this timing issue for larger-scale projects by focusing on the overall layout and function of the entire property, rather than committing each individual building to receive certification. We encourage the Planning Commission to continue to support LEED-ND and specifically identify it as an appropriate certification program. Furthermore, USGBC has created additional rating systems that are specific to individual types of development, such as Retail, Healthcare, Schools, etc., all of which the County should identify as appropriate programs.



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It is unclear why the County has limited the available USGBC rating systems. If those other USGBC programs, named above, qualify as an "equivalent program" referenced in the draft guidelines, then it would be clearer to refrain from identifying any specific USGBC programs, similar to the current guidelines. Specifically identifying some programs and not others creates confusion.

2. *Establish desired certification levels, rather than introduce a tiered certification system based on density.*

The concept of a two-tiered certification system is not consistent with the typical zoning practice. Rezoning applications traditionally request the upper end of the density range recommended in the Comprehensive Plan. Therefore, the idea of introducing a two-tiered certification system that would require projects seeking density at the upper end of the density range to meet stricter environmental standards, will, in practical terms, result in most projects needing to exceed the standard green building guidelines. Further, the draft policy does not provide any guidance on how the County intends to implement the guidelines. This approach will result in unnecessary and burdensome negotiations between the County and rezoning applicants. To avoid this unnecessary exercise, it would be more straightforward to implement Policy B and C with clearly identified levels of certification for developments within the Comprehensive Plan density range.

If a two-tiered approach is still desired, it should be considered as an incentive to receive bonus density above the Plan-recommended levels. Practically speaking, if LEED certification is the Plan policy, then, as part of a rezoning application, if a developer proffers to achieve LEED Silver certification, the developer could receive additional density.

3. *Existing buildings should clearly be exempt from complying with the green building policies.*

Infill development is an important tool for revitalizing outdated or underutilized properties and is occurring more and more frequently throughout the County, with several recent examples in Tysons Corner and along the Dulles Toll Road. Many of those development applications propose to develop a new infill building on a surface parking lot that serves an existing building. Under this scenario, which will be increasingly common in the County, the zoning application will include a larger property area than simply the area of the new building. Retrofitting the existing buildings to be LEED certified is an impractical and extremely costly proposition. Requiring applicants to achieve LEED certification for existing buildings under this scenario is likely to discourage the type of infill development the County is encouraging in its Metro station areas and activity centers, where there are many existing, suburban-style buildings. Those existing buildings should be specifically exempt from required compliance with green building policies.



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4. Establish time frames for the LEED escrow in Policy D

The current County practice requires applicants to post a LEED escrow that is likely to be held for several years. More specifically, the escrow is to be posted prior to building permit approval and, because several LEED credits require monitoring before compliance can be achieved, cannot be released until well after the building is constructed. Coupled with the USGBC's backlog of reviewing applications, this delay can create a significant time lapse between when a developer posts a LEED escrow with the County and when the escrow is returned. To eliminate the time the applicant's funds are sitting idly in escrow, we propose that Policy D be revised to incorporate time references. One suggestion would be that the LEED checklist and narrative be provided with the submission of a building permit application – to show the County the direction in which the developer is moving to receive certification – with the escrow being required at time of occupancy permit. In other words, the applicant would need to post the escrow prior to obtaining occupancy permits for the project. This would more closely align the posting of the escrow with the review period of USGBC while still providing the County assurances (with the checklist) of the property owner's commitment and ability to achieve LEED certification.

Thank you very much for considering our comments and recommendations. We look forward to a continued discussion with the Commission on this important draft policy and will gladly make ourselves available should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Brian J. Winterhalter".

Brian J. Winterhalter

cc: Matt Koirtyohann, Urban, Ltd.
Oomer Syed, William H. Gordon Associates, Inc.
Molly M. Novotny, Senior Land Use Planner, Cooley LLP

Staff and the PC have worked long hours reviewing the Green Building Policy to clarify and broaden its scope. But if the Board wants Fairfax to really be an environmental leader, the Policy needs to be strengthened. The Policy needs to create the expectation that builders will consider the residents and the environment and build comfortable, energy efficient buildings that improve the quality of life in Fairfax County. The most recent example I have seen is the newly renovated green Dolley Madison library, with natural lighting, comfortable temperature, and reduced waste. Those green features that add comfort for visitors are especially attractive in office buildings, where increased daylight and better thermal comfort will pay off with higher worker productivity and reduced sick time costs. Moreover, now that preliminary data from the Community Green House Gas Inventory has shown that commercial and residential buildings are responsible for over half of county greenhouse gas (GHG) emissions, the county has even more incentive to strengthen its Green Building Policy.

Following are my suggestions that are intended to strengthen the Green Building Policy and add comfort and reduce emissions in buildings:

1. Policy a – add “natural lighting” to the list
2. Policy a – we strongly support green building practices for “reuse, preservation and conservation of existing buildings,” and wonder how you would encourage that. Wait until they go through the zoning process? Or through an ordinance?
3. Policy b – recommend raising the standard from LEED to LEED Silver (or equivalent). Since builders are building to LEED standards voluntarily, because it pays off, this policy should encourage them to advance to at least the next level.
4. Policy b – applaud broadening the Policy to the additional areas
5. Policy c - in order to focus on reduction of GHG, we support ensuring an Energy Star (or equivalent) rating. Yes, certain credits should be emphasized more than others, no matter which rating system is used, and YES, where development is at the higher range, additional green building features should certainly be expected. Again, in order to maintain the focus on GHG reduction, we recommend limiting the categories to energy efficiency, reusable and recycled building materials, **new projects** for pedestrian orientation and alternative transportation strategies, and GHG emission reduction. I emphasize **new projects** for pedestrians and bicycles so that a builder can't take credit for already existing projects.
6. For Policy d, instead of “encouraging commitments to monetary contributions,” we recommend that for all buildings or residential development (Policy c) that are approved contingent on a green rating system, a bond be required before construction is started. The bond will be held in trust and returned once the promised level of certification has been approved by a third party. If the building is not approved, the builder can choose to make the necessary changes or can forfeit the bond, which would then be applied to renewable energy or energy efficiency projects that the county chooses.
7. Policy e – We strongly support, as this infrastructure is vital for bicyclists.
8. Policy f – We definitely support. The county's highest green building policy should apply to any projects on county land.

9. Policy h – While there could definitely be advantages to monitoring, such as encouraging building managers to become more energy efficient, and also helping Fairfax maintain the Community GHG inventory, I see limited benefit to comparing data from such a wide variety of individual buildings, because so many variables come into play. Variables such as how many hours the building is used, what appliances or equipment is involved, and how the occupants use the building are just a few examples. Also, there may very well be national “labeling” standards in the next few years, so I recommend waiting until they come out. Instead of monitoring, I think Fairfax would gain more by encouraging recertification of building standards. I recommend third party recertification every 3 years to ensure that the standards continue to be met.

Comments on draft Green Building Policy

General Observations:

A policy on “green buildings” presents an opportunity for Fairfax County to promote our community in the ways outlined in the Plan. The factors the plan emphasizes and how well those attributes are realized lead to results that reflect our values and character, factors by which we may be judged.

Does Fairfax want to be judged as a promoter of the status quo that follows its past or as a leader that takes its community forward and by setting an example for others for facing the challenges on energy? The recognition Fairfax should want is that of a community promoting values that will attract and retain businesses that current and future residents want for neighbors. Among those values we should find efficiency and waste avoidance, driven by a community commitment to avail ourselves of all the available technologies that reduce energy dependence.

The plan should help Fairfax recognize and understand how the energy economy is being transformed in other parts of the country (and the world) and to prepare us to understand and benefit from the transformation. To the extent we do not, the County will lose stature as the highly desirable community we currently enjoy.

I agree with many of the changes proposed. We recommend the Green Building policy place greater emphasis on energy efficiency and conservation and do so in recognition of the importance efficiency and conservation hold for our future by including these concepts:

Provide a Prominent Role for the Cool Counties Declaration: Acknowledge in the Plan the pledge the County made under the Cool Counties Declaration and the role of the Green Building policy in fulfilling the pledge requirements for reducing county-wide GHG emissions. The County’s oversight of buildings constructed and renovated within its boundaries is probably the single largest area where progress on county-wide emissions goals may be attained through County policy and governance.

Require Developers Post Bonds to secure their Pledges: Where developers are granted increased density variances in exchange for agreeing to build to a specific standard under LEED or equivalent, require the developer or builder to post a bond to guarantee the promised standard. If the developer fails to attain certification at the level promised, the bond proceeds should be placed in a fund limited to high technology energy conservation for buildings such as solar voltaic arrays and energy conservation projects under Energy Star, LEED Gold or equivalent for public and non-profit owned historic properties.

Promote Information on Energy Use: We support endeavors for promoting energy monitoring systems. We believe this should be taken one significant step further to create a public inventory of the energy use by commercial lease space, expressed as a common metric such as annual BTUs per leased square foot. This information would use the market to drive efficiency forward. The District of Columbia already requires this.

Apply Rating Systems to Existing Buildings: We support the addition of retrofitting and renovating existing buildings. The proposal for encouraging the retrofitting and renovation of existing buildings should include energy efficiency and conservation and to ensure objectives are achieved, it should promote the adoption of independent programs such as

Energy Star, LEED C-S or equivalent. We strongly urge you amend the section on existing buildings to include energy use with Energy Star required.

Concerns specifically:

1) Among the “topics identified for discussion” by the introduction is the "costs associated with green buildings." Why did the discussion not also include the savings and benefits? The implied emphasis on costs may bias staff thinking leading to approaches favoring the status quo rather than bringing attention to the range of economic benefits of greener buildings. Greener buildings have tighter building envelopes that allow for increased control and management of indoor air quality. The results are improved indoor air and happier residents and more productive employees of commercial tenants. The US Green Building Council claims that workers in LEED buildings are more productive as a result of the superior air, increased natural light and general environment of LEED buildings. The American Lung Association has a residential program the Association believes improves life for those suffering from allergies and lung disease. Does the Planning Commission staff examination of costs associated with Green Buildings incorporate the savings from healthier and more productive workers and homeowners experiencing fewer respiratory disorders?

2) Policy "a" under objective 13 on page 3 states an existing structural energy conservation practice (third dot point) this way: "Optimization of energy performance of structures / energy-efficient design". What does this mean? What developer/builder does not claim to always optimize buildings for efficiency, as well as for a quick profit? This policy statement should be revised to specify that as a condition for receiving recognition as a green building, a new or renovated building must meet or exceed Energy Star for commercial buildings at a minimum. Energy Star (or equivalent) should be the minimum accepted before any official recognition is granted, and for zoning variance it should be required with a bond posted.

3) Further down in the section, but on the next page, it states, "reduction of potential indoor air quality problems through measures such as increased ventilation". We think we know what is intended, but that is unclear. One interpretation is that increased ventilation is what the building industry has done in the past. Air leaked in through dirty passageways, became dried out and contributed to discomfort and the spread of viruses in winter.

The new technology assured by the independent programs, seals the buildings and manages the air flow, so we recommend this statement be revised to clarify that “increased ventilation means air managed under a system incorporating heat recovery systems and approved by LEED Silver, Passive House, Earth Craft House, or equivalent”.

4) The new dot points as proposed address existing buildings. I support the inclusion of existing buildings into the plan only where the practices have standards. There are many buildings in the County that are “reused” and remain as inefficient as they ever were. Many of these probably should be replaced with better structures. The two dot points should be revised to establish standards. Energy Star, LEED and Passive House have programs for existing structures. Heritage Magazine recently featured a 1920s vintage home in California that was rehabilitated to meet Passive House’s tough standard of 90% reduction in energy use. The refurbished house visually appears much as it did 80 years ago.

5) In the next dot point, performance monitoring is added and that is a good example of promoting new tools for reducing waste. As noted above, this should be expanded to promote

public advertising of energy use of buildings expressed in BTUs per square foot of leased space. Another option would be to “encourage” the reporting of the results to the county for use in refining its countywide GHG inventory.

6) Further on page 4, it states as existing policy, "Encourage commitments to the attainment of Energy Star ratings where applicable." What does the "where applicable" refer to? Wouldn't many a developer declare, "It is never applicable because it is optional, it costs extra, and I have better ideas than those guys"? Please clarify this. The document should also explain the relationship of this policy on Green Building commitments to the Broader Tyson's Policy.

7) On page 5 under policy c, zoning proposals, energy efficiency is only a choice given equal weight with other categories--such as "alternative transportation strategies"-- that are important and have energy consumption metrics of their own, but are cheaper and easier and may have no return on investment. Does this mean a builder can install two or three electric vehicle charging stations in lieu of building to Energy Star that saves enormous energy and saves tenants money? If the building is located in a commercial area where people walk and there is a bus stop, the developer automatically meets the pedestrian criteria. Furthermore, the last sentence under Policy c is vague as to how it would be applied.

8) Policy f (page 5) is unacceptably weak and forfeits opportunities for ensuring efficiency. This one concerns the construction of private buildings on land owned by the County (we the public). Here the County has the legal authority to require energy efficiency, but the policy only "encourages" it. LEED Gold with a large bond posted should be the required minimum before authorizing a private developer to build on our land. Requiring LEED Platinum would be ideal.

General Remarks: The purpose of this review is to "assess the efficacy of the policy" after 2 years. Nowhere does it provide information of what has happened in the past 2 years. Additionally there is an absence of any stated actions. The words "encourage", "ensure" and "promote" are relied on exclusively and interchangeably, even where there are opportunities to set policy requirements.

Shouldn't the planning process describe the impacts and experiences of the existing policy and also describe specific actions such as how developers will be “encouraged”, how green buildings will be “promoted”, how the public will be educated and the nature of the assurances?

From: [Dhavale, Maya](#)
Sent: Wednesday, June 29, 2011 4:57 PM
To: undisclosed-recipients:
Subject: Invitation to Stakeholder meetings - Fairfax County Planning Commission's Environment Committee review of Green Building Policy

The Fairfax County Planning Commission's Environment Committee will hold two stakeholder meetings to discuss the current review of the Comprehensive Plan's Green Building Policy. The meetings will be held July 7, 2011 from 7-8 p.m. and July 27, 2011 from 7-9 p.m. in the Board Conference Room, Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, VA 22035.

In December 2007, a Policy Plan amendment was adopted by the Board of Supervisors that established a countywide green building policy. At that time, the Planning Commission was asked to review the policy two years after adoption of the Plan amendment. Staff began a review and analysis of the policy with the Planning Commission in November 2009. As a starting point for discussion, a “Strawman” has been prepared based upon information, issues and concerns raised at Environment Committee meetings. The most recent version of the Strawman is attached.

The July 7th meeting will be an overview of the current policy and introduction to the draft Strawman. The July 27th meeting is envisioned as an in-depth discussion of the issues with stakeholders.

Please forward this announcement to anyone who may have an interest in Fairfax County’s Green Building policy. We anticipate a public workshop for further discussion in September.

Please contact Maya Dhavale with questions or to provide written comments if you are unable to attend the discussions.

Thank you.

Maya Dhavale
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<Final_Draft_Strawman_Green_Building_Policy_Review-7.7.11.docx>